

GAHC010191062024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4737/2024

DEEPSHIKHA DAS
D/O- SUJIT DAS,
R/O-BUDDHA COLONY,
P.O- BADARPUR,
P.S- BADARPUR, DIST- KARIMGANJ, ASSAM, PIN-788806

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM, DISPUR,
GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM
HEALTH AND FAMILY WELFARE DEPTT. DISPUR
GUWAHATI-06

3:THE DIRECTOR
MEDICAL EDUCATION
ASSAM
KHANAPARA
GUWAHATI-22

4:THE SELECTION BOARD
MBBS/BDS COURSE 2024
REP. BY ITS CHAIRMAN CUM DIRECTOR
ASSAM MEDICAL EDUCATION
NAMESLY ANUP KUMAR BARMAN
ASSAM
SIXMILE KHANAPARA
GUWAHATI-2

Advocate for the Petitioner : MR. A R TALUKDAR,
Advocate for the Respondent : GA, ASSAM, SC, HEALTH

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
O R D E R

01.10.2024

Heard Mr. A.R. Talukdar, learned counsel appearing for the petitioner, Mr. P. Saikia, learned Government Advocate, appearing for the respondent No.1 and Mr. D.P. Borah, learned Standing Counsel, Health Department, Assam appearing for the respondent Nos. 2, 3 and 4.

2. On 05.06.2024, the Director of Medical Education (DME), Assam, respondent No.3, issued an Educational Notice No.e.DME/UG/17/2024/1258, inviting applications for admissions into 1st year MBBS/BDS Courses in the Government Medical and Dental Colleges of Assam for the Session 2024, pertaining to special quota claim of Freedom Fighter/Martyr of Assam Movement/ Extremist violence/Ex-Serviceman & Serving Defence Personal/ Sports quota.

3. In the said Educational Notice dated 05.06.2024, it was specifically provided that the application form for said special quota will be available in the office website of the DME, Assam and filled up forms along with all relevant documents as per the provisions of the MBBS/BDS Admission Rule, 2017 (amended up to date) must be submitted to the office of the DME, Assam (2nd Floor, Room No.5) on or before 14.06.2024, during the office hours by hand. In the said Educational Notice dated 05.06.2024 of the DME, Assam it was also stipulated that no further application will be considered by the said office after the last date of submission (i.e., 14.06.2024) and further, applications sent by post/e-mail shall not be accepted.

4. By the said Educational Notice dated 05.06.2024, the candidates were requested to collect their receipts of acknowledgement at the time of submission of their forms clarifying that for any other notification regarding admissions into MBBS/BDS Courses for the session 2024, the candidates may visit the website www.dme.assam.gov.in.

5. The said notice was published in one English and one Assamese dailies published from Guwahati, one local daily published from Jorhat and one local daily published from Silchar.

6. The petitioner herein on 16.08.2024, submitted her application for admission into 1st year MBBS/BDS course for the session 2024 under special quota claim for ex-serviceman category stating that on 16.08.2024, she submitted an application before the respondent No.3, DME, Assam requesting the said authority to accept her application that was submitted belatedly under ex-serviceman quota, stating that she is from a remote area with severe network issues and that there were complications relating to re-exam issued on 26.07.2024, leaving many of such candidates in a state of uncertainty waiting for the final decision and by the time she became aware of the situation after the final decision was announced, the submission date had already over. As such, she physically attended the document verification process on 16.08.2024 submitting her necessary documents.

7. For such reasons, the petitioner requested the respondent No.3, the DME, Assam to consider her case to submit the form for the admissions into 1st year MBBS/BDS Courses in the Government Medical and Dental Colleges of Assam for the Session 2024 under special quota claim of ex-

serviceman. It is also submitted that her name figured in the list published by the DME, Assam in provisional merit list of NEET/UG-2024 at Serial No.4523 with 86.517875 percentile, NEET Rank of 313119 under OBC/MOBC (NCL) category.

8. By filing an affidavit today, the DME, Assam, respondent No.3 submitted that the office of the DME, Assam did not receive any such representation filed by the petitioner praying for allowing her to submit special quota form for admission into MBBS/BDS Courses for the session 2024 in the Government Medical and Dental Colleges of Assam for the Session 2024. The respondent No.3, DME, Assam also clarifies that after conclusion of first round of counselling, there is only one seat available under the special (Ex-serviceman) quota for admission into BDS Course for the session 2024. The candidates who have already submitted special quota form within the stipulated date, i.e., 14.06.2024, will be considered during the second round of counselling for the said seat of BDS course for the session 2024. As the petitioner has not submitted special quota form within the said stipulated date, therefore, her case cannot be considered under the special (Ex-serviceman) quota for admission into BDS Course for the session 2024.

9. On being enquired, Mr. D.P. Borah, learned Standing Counsel, Health Department, Assam, on instructions submits that several candidates have already applied for their admission into MBBS/BDS Courses in the Government Medical and Dental Colleges of Assam for the Session 2024 under the special quota claim by submitting their applications on or before 14.06.2024 in terms of said Educational Notice dated 05.06.2024.

10. It is seen from the writ petition that though the petitioner stated that

she submitted a representation before the respondent No.3, DME, Assam on 16.08.2024, but she could not establish that any such copy of her representation dated 16.08.2024 was ever received by the office of the DME, Assam, having the official seal, date, signature and receipt number of the office of DME, Assam. Moreover, it is seen that the petitioner has filed this writ petition only on 12.09.2024, whereas the last date of submission of application for admission into 1st year MBBS/BDS courses in the Government Medical and Dental Colleges of Assam for the Session 2024 in terms of said Educational Notice dated 05.06.2024 was 14.06.2024.

11. The High Court in exercise of powers under Article 226 of the Constitution of India cannot extend the last date of submission of any such application notified by the authority concerned.

12. For the reasons stated above, this writ petition stands dismissed, being devoid of any merit.

JUDGE

Comparing Assistant